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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,913	01/20/2005	Hiroshi Tajima	ARGM-106US	1698
23122	7590	05/22/2006	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			ARTHUR JEANGLAUD, GERTRUDE	
		ART UNIT		PAPER NUMBER
		3661		

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/521,913	TAJIMA, HIROSHI
	Examiner Gertrude Arthur-Jeanglaude	Art Unit 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,7,9,12,16,18 and 19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,7,9,12,16,18 and 19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 January 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/20/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 9, 12, 16, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Aito et al. (U.S. Patent No. 5,991,689).

As to claims 1, 7, 9, 12, 16, Aito et al. disclose a navigation apparatus as shown in Fig. 1 comprising position detecting means (2) for detecting a current position of an automotive vehicle, destination setting means (See col. 12, lines 60-64) for setting a destination of the automotive vehicle (1), travel route setting means (4) for setting a travel route (start, destination, route guidance) to the destination set by the destination setting means on the basis of the current position detected by the position detecting means (See Fig.4) (See col. 6, lines 8-29); operation mode setting means for setting whether or not to utilize an electronic toll collection system on the travel route set by the travel route setting means (See Figure 5, figure 8; Figure 12); and a communication means (47) for performing communication with an in-vehicle apparatus provided in the automotive vehicle as part of the electronic toll collection system, the communication means being operative to transmit a signal to the in-vehicle apparatus to change an

operation mode of the in-vehicle apparatus to the electronic toll collection system (See columns. 9-10).

As to claims 18-19, Aito et al. disclose the communications means (47) as discussed for performing communication with an in-vehicle and also discloses communications means is operative to produce an active and inactive state setting signal as signal to be transmitted the in-vehicle apparatus , and to allow the in-vehicle apparatus to perform communication with a roadside antenna (See col. 21, lines 66-67- col. 22, lines 1-18) located as part of the electronic toll collection system at a toll station on the travel route (See col. 17, lines 24-63).

Response to Arguments

Applicant's arguments filed on 2/27/06 have been fully considered but they are not persuasive.

REMARKS

Applicant's representative argues that the prior art fails to disclose the features of the claim namely:

Travel route setting means for setting a travel route...

... operation mode setting means for setting whether or not to utilize an electronic toll collection system on the travel route ...

Examiner respectfully points to the prior art of Aito et al. (U.S. Patent No. 5,991,689) at col. 6, lines 8-9 as pointed out in the office action a travel route setting means and an operation mode setting means as shown in Fig. 12. The claims are therefore remained rejected under the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

Gertrude A. Jeanlaude
GERTRUDE A. JEANLAUDE
PRIMARY EXAMINER

May 17, 2006